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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,245	01/26/2004	Javier Barrera	1535306-0003	1772
7470 7590 10/16/2008 WHITE & CASE LLP PATENT DEPARTMENT 1155 AVENUE OF THE AMERICAS NEW YORK, NY 10036				
EXAMINER NGUYEN, THUY-VI THI				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/765,245

Applicant(s)

BARRERA ET AL.

Examiner

THUY VI NGUYEN

Art Unit

3689

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-66 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-66 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date 10/31/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This is in response to the applicant's communication filed on June 01, 2004, wherein claims 1-66 are currently pending.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. **Claims 1-28, 47-50, 60-66** are reject under 35 U.S.C. 101 based on Supreme Court precedent, and recent Federal Circuit decisions, the Office's guidance to examiners is that a § 101 process must (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials). *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972). If neither of these requirements is met by the claim, the method is not a patent eligible process under §101 and is non-statutory subject matter. With respect to claims **1-28, 47-50, 60-66**, the claim language does not transform the underlying subject matter and the process is not tied to another statutory class. The process steps of *"maintaining a centralized inventory system, receiving a request for a pricing, generating a quote, transmitting the quote..."* is not tied to another statutory class, such as an apparatus, and thus, the claims are directed to nonstatutory subject matter.

Furthermore, claims 60-66 also fail to produce a concrete result. Claims 60 recites the steps of "*receiving over a network a data associated with booking of facilities of the business entity; and assigning resources of the business entity based on the booking data*" which are mere abstract ideas that does not produce concrete results. A concrete result cannot be achieved unless the recited steps are repeatable and predictable. The results of these steps will not produce concrete real-world results since there is no evidence that these steps, when repeated, will produce substantially the same result. Therefore, the claims are considered to be directed toward non-statutory subject matter.

4. Claims 29-46, 51-59 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The system claims appear to be an apparatus claim in a preamble "*a hospitality management system*", however, there are no structures or functional elements which are required in an apparatus claim. For instant, the independent 1 recited "*a centralized inventory system, a central interface, an application server*" are not structure or device. Therefore, the claims are directed to nonstatutory subject matter.

Furthermore, Claims 30-53, recites "wherein the customer entity comprises a customer" which encompasses a human being. The rejection under 35 U.S.C 101 must be made indicating that the claimed invention is directed to nonstatutory subject matter. See MPEP 2105.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 2, 47-50, 60-66 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a) Claim 2 is unclear for the step of generating quote without using data held only by the business entity. Furthermore, there is no positive recitation in the claim.

b) Independent Claim 47 steps (f and g) recite "receiving a signal reflecting acceptance of the quote. This is vague and indefinite. How can we know that signal is for acceptance of the quote? Therefore, It is interpreted the signal as the information or data.

c) Independent Claim 60 (step b) recites " the booking data". There is lack antecedent and basis for the limitation.

d) Claim 62, recites "...further comprising the step of refraining from determining a price for the facilities of the business entity". This is unclear of how the step is carried out.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

7. Claims **29-46** and **51-59, 60-66** rejected under 35 U.S.C. 102(e) as being anticipated by GEOGHEGAN ET AL (US 7,328,166).

a) a centralized inventory system comprising a data storage system
{see figures 1-3, (RMS database 250,350), col. 3, lines 5-8; col. 3, 36-41...
n that enables one view of hospitality industry inventory data}; and

{see figures 1-3, col. 5, lines 51-67, col. 6, lines 1-54; (Reservation management System, having a database 350, Property Management System (entities), consumer (40), booking (230) and col. 44, lines 56-64 (centralized database in communication with the interface)}

c) the centralized inventory system adapted for generating quotes {see figures 1-2, *RMS database 250 adapted for rate calculation/quote determine* (210).

Note: It appears that independent claim 29 is an apparatus claim. In examination of the apparatus claim, the claims must be structurally distinguishable from the prior art. While features of an apparatus claim may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. See MPEP 2114. *In re Schreiber*, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997). Apparatus claims cover what a device is, not what a device does. *Hewlett-Packard Co. vs. Bausch & Lomb Inc.* (Fed. Circ. 1990). Manner of operating the device or elements of the device, i.e. recitation with respect to the manner in which a claimed apparatus is intended to be employed/used, does not differentiate apparatus from the prior art apparatus. *Ex parte Masham*, 2 USPQ2d 1647 (BPAI, 1987).

Also, this is an apparatus claim and intended use (functions or called) limitation for the system/device or apparatus, i.e. "*step (a), for storage and retrieval of data associated with booking the facilities of any of the business; step (b): for booking at least one of the facilities of at least one of the business entities; step (c): for generating quotes on data stored in the data storage system and associated with the facilities of the business entities*", carries no patentable weight.

Note: for convenience, letters (a)–(c) are added to the beginning of each element.

As for claims 30-31, GEOGHEGAN ET AL discloses wherein the customer entity comprises a customer, a sales entity of the hospitality organization (agent) {see figure 1}.

As for claims 32-33, which deals with the centralized inventory system, comprises real time data, e.g. generating quote. This is taught in GEOGHEGAN ET AL, {see col. 3, and lines 5-16}.

As for claim 34, GEOGHEGAN ET AL discloses centralized inventory system is further adapted for booking a facility {see figure 2, booking 230}.

As for claim 35, GEOGHEGAN ET AL discloses central interface is adapted for receiving requests for quotes from a plurality of channels {see figure 1, e.g. GDS channel, internet, agent}.

As for claims 36-37, GEOGHEGAN ET AL discloses wherein at least a subset of the business entities communicate electronically with the hospitality management system {see figure 1, for different entities PMS, travel agent 35 that communicate with the RMS 10} and wherein the central interface is adapted for communicating with the business entities {see figure 1, central reservation system, and PMS; col. 16, lines 31-47}

As for claim 38-39, GEOGHEGAN ET AL discloses further comprising a revenue management system in communication with the centralized inventory system for generating quote in real time {see figure 2, rate calculation 210 and RMS database 250; col. 3, lines 5-17},

As for claims 40-44, which deals with the well known centralized inventory system comprises a processing system for generating price in real time data; this is taught in GEOGHEGAN ET AL {see figures 1-2; see col. 3, lines 5-17}.

As for claims 45-46, which deals with the business system in communication with the centralized inventory management system for booking the facilities upon the customer request e.g. room preferences. This is taught in GEOGHEGAN ET AL, see figure 2, col. 8, lines 63-67, col. 9, lines 1-9; col. 15, lines 26-28}.

Note: It appears that dependent claims 32-33, 36-37, 39-46 are apparatus claims. In examination of the apparatus claim, the claims must be structurally distinguishable from the prior art. While features of an apparatus claim may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. See MPEP 2114. *In re Schreiber*, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997). Apparatus claims cover what a device is, not what a device does. *Hewlett-Packard Co. vs. Bausch & Lomb Inc.* (Fed. Circ. 1990). Manner of operating the device or elements of the device, i.e. recitation with respect to the manner in which a claimed apparatus is intended to be employed/used, does not differentiate apparatus from the prior art apparatus. *Ex parte Masham*, 2 USPQ2d 1647 (BPAI, 1987).

As for independent claim 51, GEOGHEGAN ET AL disclose a centralized system for managing pricing and booking of facilities of geographically distributed business entities of a hospitality organization, the centralized system comprising:

(a) a centralized inventory system {see figures 1-2, (RMS database 250), col. 3, lines 5-8; col. 3, 36-41... *system that enables one view of hospitality industry inventory data*};

(b) an application server in communication with the centralized inventory system over a network, the application server being accessible over the network by the centralized inventory system

{see figures 1-2, col. 5, lines 50-67, Reservations Management System (RMS) 10, RMS database (250), web server (65)},

(c) a central interface in communication with the centralized inventory system, the application server and at least one external system;

{see figures 1-2, col. 5, lines 51-67, col. 6, lines 1-54; (*Reservation management System, having a database 250, Property Management System (entities or external system), booking (230 and col. 44, lines 56-64 (centralized database in communication with the interface)*)}

Note: It appears that independent claim 51 is an apparatus claim. In examination of the apparatus claim, the claims must be structurally distinguishable from the prior art. While features of an apparatus claim may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. See MPEP 2114. *In re Schreiber*, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997). Apparatus claims cover what a device is, not what a device does. *Hewlett-Packard Co. vs. Bausch & Lomb Inc.* (Fed. Circ. 1990). Manner of operating the device or elements of the device, i.e. recitation with respect to the manner in which a claimed apparatus is intended to be employed/used, does not differentiate apparatus from the prior art apparatus. *Ex parte Masham*, 2 USPQ2d 1647 (BPAI, 1987).

Also, this is an apparatus claim and intended use (functions or called) limitation for the system/device or apparatus, i.e. "*step (a), for maintaining a single repository of data associated with pricing and booking of the facilities; step (b): for booking the facility; step (c): for supporting communications between the centralized inventory system, the application server, and the at least one external system*", carries no patentable weight.

As for claim 52, GEOGHEGAN ET AL discloses wherein the data associated with pricing and booking of the facilities comprises real-time data {see col. 3, lines 5-17 and lines 65-67, col. 4, lines 1-3}

As for claim 53, GEOGHEGAN ET AL discloses wherein the external system comprises a system operated by a customer entity {see figure 1, consumer 40 and agent 35}.

As for claims 54-56, which deals with the external system, comprises a system operated by one of the plurality of business entities of the hospitality organization, a property management system, and a sales support system (agent), a revenue management system, and a global distribution system (GDS). This is taught in GEOGHEGAN ET AL {see figures 1-2}.

As for claim 59, GEOGHEGAN ET AL discloses wherein the facilities comprise properties of a hotel chain {see figure 1, hotel facility 30, and see col. 6, lines 5-7, and figure 1}.

As for independent claim 60, GEOGHEGAN ET AL disclose a method for managing one of a plurality of business entities of a hospitality organization, the method comprising:

(a) receiving over a network, from an inventory system centralized with respect to the plurality of business entities, data associated with booking of facilities of the business entity

{see abstract, figures 1-3, RMS database 250,350 with respect to plurality of business entities, booking 230} and

(b) assigning resources (facilities) of the business entity based on the booking data received from the centralized system {see col.18, lines 41-45, 55-65, discusses about assigning the resource or facilities, e.g. assigning a guest to a particular room}.

As for claims 61-62, GEOGHEGAN ET AL discloses step of accessing, over the network from the centralized inventory system, pricing data associated with the booking of facilities {see figures 1-3}.

As for claims 63-64, which deals with the hospitality business entity e.g. a resort like a hotel or a cruise ship. This is fairly taught in GEOGHEGAN ET AL {see col. 1, lines 54-67}.

As for claim 64, GEOGHEGAN ET AL discloses the pricing data received from the centralized inventory system are updated on a continuing basis {see col. 3, lines 5-17}.

As for claim 66. GEOGHEGAN ET AL discloses wherein the pricing data reflects pricing that is optimized using a revenue management system {see abstract}

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-28, 47-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over GEOGHEGAN ET AL (US 7,328,166) alone or further in view of GEOGHEGAN ET AL (US 2005/0033613).

As for claim 1, GEOGHEGAN ET AL discloses method for managing a hospitality organization having geographically distributed business entities providing one or more respective facilities, wherein arrangements with respect to use of the facilities provided by the business entities are made via one or more of a plurality of channels (see figure 1, col. 5, lines 50-67, col. 6, lines 1-10 "...multiple hotels (30) (facilities) in a chain that has property management system (PMS 20) or (business entities), the method comprising the steps of:

(a) maintaining a centralized inventory system for the business entities and the respective facilities associated with the business entities

{see abstract, figures 1-3, col. 3, 5-8, and lines 36-39, col. 4, lines 57-67, and lines 50-67, col. 5, lines 50-67; col. 6, lines 1-53; providing a "*Global Reservations Transaction Management System (GRTMS) having a set of centralized databases in a federation which operate in connection with Reservations Management System (RMS*

10) to carries information about the business entities and the respective facilities, e.g. hotel reservation transactions}.

(b) receiving via at least one of the plurality of channels a request for a pricing proposal associated with at least one of the facilities of at least one of the business entities

{see figures 2-3, col. 7, lines 5-9; discusses connection of inventory to distribution channel GDS (global distribution system) and Internet from the consumer, or travel agent; and see col. 15, lines 1-5, for a price requested; and col. 13, lines 30-36, requested room type and the rate; };

(c) generating a quote based on data residing in the centralized inventory system {see figure 2 (rate calculation 210), col. 24, lines 54- 67, col. 25, lines 1-35; and lines 60-67, col. 42, lines 50-54 discusses about the rate/quote determine};

(d) transmitting the quote in response to the request for price information {see col. 8, lines 46-63; col. 7, lines 42-45, transmitted the reservation data, e.g. rate; see col. 14, lines 56-57}

As for the term "transmitting", this is inherently in the displaying function of GEOGHEGAN ET AL because data has to be sent from the system to the monitor for displaying.

Alternatively, PATULLO ET AL is merely cited to show well known function of transmitting a data from a device to another the device for displaying or informing the customer of the generated data (value), quote in response to the request for price

information {par. 0013, 0023, figure 1 (elements 30 and 40) and figure 5 shows *price quote request is displayed*};

It would have been obvious to one of ordinary skill in the art at the time of the invention to modified the method of quote generating of GEOGHEGAN ET AL to include the transmitting the quote to the user as taught by PATULLO ET AL in order to get a customer an estimate amount of the total cost for a particular service. Note: for convenience, letters (a)–(d) are added to the beginning of each element.

As for claim 2, which deals with the quote generating, this is taught in GEOGHEGAN ET AL in figures 2.

As for claim 3, PATULLO ET AL disclose wherein the request for a quote is received directly from a customer {see figure 1}.

As for claims 4-5, which deals with the requesting and transmitting the quote to the user, e.g. staff member, this is taught in PATULLO ET AL {figure 1, par.0023}

As for claims 6-8, which deals with the quote, is generated in real time and using real-time data residing in the centralized inventory system. This is taught in GEOGHEGAN ET AL in col. 3, lines 6-17, col. 5, lines 1-5;

As for claim 9, GEOGHEGAN ET AL disclose the channel via which the request for quote is received by the centralized inventory system {see figure 1, GDS 25}

As for claim 10, GEOGHEGAN ET AL disclose receiving an acceptance of the quote and provisionally allocating the at least one facility to which the quote relates {col. 27, lines 1-15, accept the quoted".

As for claim 11, GEOGHEGAN ET AL discloses receiving payment for the provisionally allocated at least one facility {col. 15, lines 16-22, and lines 39-43}.

As for claim 12, GEOGHEGAN ET AL discloses the allocating at least one facility {see col. 21, lines 11-15, and lines 28-35}.

As for claim 13, GEOGHEGAN ET AL discloses the step of updating the centralized inventory system to reflect the provisionally allocated at least one facility {see col. 4, lines 57-65}.

As for claim 14, GEOGHEGAN ET AL disclose wherein the centralized inventory system is updated in real time {see col. 3, lines 6-17, col. 5, lines 1-5};

As for claim 15, GEOGHEGAN ET AL disclose updating the centralized inventory system to reflect the receipt of payment for the provisionally allocated at least one facility {see col. 3, lines 6-17, col. 5, lines 1-5};

As for claim 16, which deals with the centralized inventory is updated in real time, this is taught in GEOGHEGAN ET AL {see col. 3, lines 9-17}.

As for claims 17-18, which deals with updating the centralized inventory system in a real time, this is taught in GEOGHEGAN ET AL { see col. 3, lines 6-17, col. 4, lines 61-62; col. 5, lines 1-5};

As for claims 19-20, GEOGHEGAN ET AL discloses wherein at least one of the pluralities of channels comprises a global distribution system; a property management system associated each individual one of the distributed global facilities. {see figure 1, GDS 25, and PMS 20}.

As for claim 21, GEOGHEGAN ET AL discloses wherein at least one of the pluralities of channels comprises a call reservation service {col. 6, lines 32-37}.

As for claim 22, GEOGHEGAN ET AL discloses wherein the geographically distributed business entities comprise properties of a hotel chain {see col. 6, lines 5-7, and figure 1}.

As for claims 23-28, which deals with a plurality of channels for receiving quote, e.g. travel agents, (or sales, internet, consumers) and this is taught in GEOGHEGAN ET AL, see col. 7, lines 5-6, and col. 5, lines 66-67}.

As for independent claim 47, GEOGHEGAN ET AL disclose a method for operating a central inventory system for a hospitality organization having a plurality of geographically distributed business entities {see figure 1, col. 3, lines 5-8}, the method comprising the steps of:

(a) maintaining a database associated with the central inventory system, the database comprising centrally-generated price and availability data relating to facilities of the plurality of business entities

{see abstract, figures 1-3, col. 3, 5-8, and lines 36-39, col. 4, lines 57-67, and lines 50-67, col. 5, lines 50-67; col. 6, lines 1-53; providing a "*Global Reservations Transaction Management System (GRTMS) having a set of centralized databases in a federation which operate in connection with Reservations Management System (RMS 10, and database 250) to carries information about the business entities and the respective facilities, e.g. hotel reservation transactions including the rate calculation*}}.

(b) receiving a booking request for at least one facility of the plurality of business entities

{see figure 2, booking 230, and col. 23, lines 26-28 and col. 41, lines 37-38 discusses *booking request from a guest or customer*}

(c) based on the booking request, retrieving from the database data relating to the facility

{see col. 8, lines 51-67, col. 9, lines 1-14, lines 20-24, and lines 32-34, e.g. retrieve the reservation information e.g. hotel arrive date};

(d) processing the retrieved data to generate a quote for the facility {see figures 2-3 (rate calculation 210) col. 5, lines 51-60, processing the reservation transaction, including *rate/quote information*};

(e) transmitting the quote in response to the booking request {see figure 2-3, col. 8, lines 46-63; col. 7, lines 42-45, transmitted the reservation data, e.g. rate; see col. 14, lines 56-57}

(f) receiving an information reflecting acceptance of the quote {see col. 27, lines 1-8 confirm or accept *the quoted or confirm the booking results* }; and

(g) updating the database based on receipt of the information reflecting acceptance of the quote {see col. 4, lines 57-65, for updating the inventory and pricing; col. 17, lines 19-20 discusses updating the hotel data e.g. price or quote}

As for the term "transmitting", in step (e) this is inherently in the displaying function of GEOGHEGAN ET AL because data has to be sent from the system to the monitor for displaying.

Alternatively, PATULLO ET AL is merely cited to show well known function of transmitting a data from a device to another the device for displaying or informing the customer of the generated data (value), quote in response to the request for price information {par. 0013, 0023, figure 1 (elements 30 and 40) and figure 5 shows *price quote request is displayed*};

It would have been obvious to one of ordinary skill in the art at the time of the invention to modified the method of quote generating of GEOGHEGAN ET AL to include the transmitting the quote to the user as taught by PATULLO ET AL in order to get a customer an estimate amount of the total cost for a particular service.

As for claim 48, GEOGHEGAN ET AL discloses wherein the database is maintained on a real-time basis {see col. 3, lines 5-17}.

As for claim 49, GEOGHEGAN ET AL discloses wherein the retrieved data relating to the facility comprises price setting data {see figures 2-3 (rate calculation 210) col. 5, lines 51-60, processing the reservation transaction, including *rate/quote information*};

As for claim 50, GEOGHEGAN ET AL discloses the price setting data is derived on the basis of at least one selected from the group consisting of: market analysis relating to the facility type and characteristics {see figure 4, col. 19, lines 35-67, col. 20, lines 40 for different type of and characteristic of the facility}.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy-Vi Nguyen whose telephone number is 571-270-1614. The examiner can normally be reached on Monday through Thursday from 8:30 A.M to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on 571-272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. N./

Examiner, Art Unit 3689

/Janice A. Mooneyham/

Supervisory Patent Examiner, Art Unit 3689